

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY RF D.C.  
05 JUN 13 PM 2:08

MARCUS KANARD PAYNE )

Plaintiff(s) )

v. )

Case No: 05-2310 – MI P

THE STATE OF TENNESSEE, TIPTON )  
COUNTY, TENNESSEE, TIPTON COUNTY )  
SHERIFF, C.D. LEWIS, in his Official Capacity, )  
CAPTAIN J.B. MITCHELL, in his Official )  
Capacity and Other Unknown Employees of the )  
TIPTON COUNTY JUSTICE CENTER/JAIL )  
Individually and in their Official Capacity )

Defendant(s) )

Robert R. Di Tollo  
CLERK, U.S. DIST. CT.  
W. D. OF TN, MEMPHIS

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RULE 16(b) SCHEDULING ORDER

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Pursuant to written notice, a scheduling conference was held on June 23, 2005. Present were Danese K. Banks, counsel for Plaintiffs, and Brandon O. Gibson, counsel for Tipton County, Tennessee. At the conference, the following dates were established as final dates for:

**INITIAL DISCLOSURES (RULE 26(a)(1)):**

July 7, 2005

**JOINING PARTIES:**

August 23, 2005

**AMENDING PLEADINGS**

August 23, 2005

**INITIAL MOTIONS TO DISMISS:**

September 23, 2005

**COMPLETING ALL DISCOVERY:** February 24, 2006

(a) **DOCUMENT PRODUCTION:** February 24, 2006

(b) **DEPOSITIONS, INTERROGATORIES and REQUESTS FOR ADMISSIONS:**  
February 24, 2006

(c) **EXPERT DISCLOSURE (RULE 26(a)(2)):**

(1) **DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION:**

December 16, 2005

(2) **DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION:**

January 16, 2005

(3) **EXPERT WITNESS DEPOSITIONS:**

February 24, 2006

**FILING DISPOSITIVE MOTIONS:** March 24, 2006

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for ~~jury~~ non-jury trial, and the trial is expected to last two (2) day(s). The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge.

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation after the close of discovery.

The parties are reminded that pursuant to Local Rule 11(a) (1) (A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order.


The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a

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motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have/have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

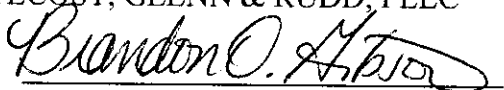
IT IS SO ORDERED.

  
TU M. PHAM  
UNITED STATES MAGISTRATE JUDGE  
DATE: June 13, 2005

Respectfully submitted,

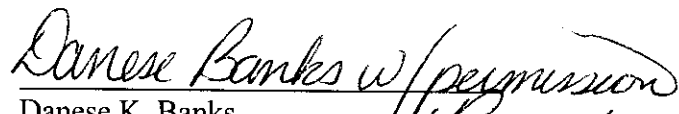
PENTECOST, GLENN & RUDD, PLLC

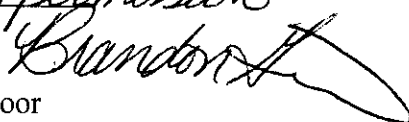
By:



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By:

  
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## Notice of Distribution

This notice confirms a copy of the document docketed as number 13 in case 2:05-CV-02310 was distributed by fax, mail, or direct printing on June 13, 2005 to the parties listed.

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Honorable Jon McCalla  
US DISTRICT COURT